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 Hotel 57, LLC, Ty Warner Hotels & Resorts, LLC  
 and H. Ty Warner*

UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK

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 SELENA STALEY, VIVIAN HOLMES, and OLIVE  
 IVEY, on behalf of themselves and all others similarly  
 situated,

Plaintiffs,

v.

FSR INTERNATIONAL HOTEL INC. d/b/a FOUR  
 SEASONS HOTELS AND RESORTS, HOTEL 57  
 SERVICES, LLC, HOTEL 57, LLC, TY WARNER  
 HOTELS & RESORTS, LLC, and H. TY WARNER,

Defendants.

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 : Case No.: 22-CV-6781 (JSR)  
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 : DECLARATION OF  
 : ELIZABETH ORTIZ  
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I, Elizabeth Ortiz, pursuant to 28 U.S.C. § 1746, state and declare as follows:

1. I am the Director of People & Culture for defendant Hotel 57 Services, LLC (“Hotel 57”) and respectfully submit this declaration in support of Defendants Hotels 57 Services, LLC, Hotel 57, LLC, Ty Warner Hotels & Resorts, LLC and H. Ty Warner’s (collective the “Warner Defendants”) motion to dismiss the Amended Complaint against the Warner Defendants, in its entirety, pursuant to Federal Rule of Civil Procedure (“Fed. R. Civ. P.”) 12(b)(6).

2. I have been employed by Hotel 57 in the position of Director of People & Culture

for approximately three (3) years and, as such, have personal and first-hand knowledge of Hotel 57's business operations from March 2020 to the present, including, but not limited to, how it collects and maintains employment records.

3. On August 5, 2020, the Four Seasons Hotel New York provided WARN Act notices to its employees, including Plaintiffs Selena Staley ("Staley"), Vivian Holmes ("Holmes") and Olive Ivey ("Ivey") (collectively the "Plaintiffs"), informing them of their employment loss due to temporary layoffs. True and correct copies of such notices to Staley, Holmes and Ivey and are annexed hereto as Exhibits A, B and C, respectively.

4. In connection with their employment with Hotel 57, and consistent with Hotel 57's standard practice, each of Plaintiffs received a copy of the U.S. EmPact Employee Handbook for The Four Seasons Hotel New York (the "EmPact Agreement"). A true and correct copy of the EmPact Agreement, effective February 2018, is annexed hereto as Exhibit D.

5. Staley signed the EmPact Agreement on or about June 8, 2011 and signed updated versions of the EmPact Agreement in or about 2015 and 2018. True and correct copies of Staley's signature pages of the EmPact Agreement are collectively annexed hereto as Exhibit E.

6. Holmes signed the EmPact Agreement in or about March 1998 and signed an updated version in 2018. True and correct copies of Holmes' signature pages of the EmPact Agreement are collectively annexed hereto as Exhibit F.

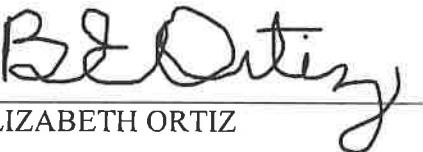
7. Ivey signed the EmPact Agreement in or about October 1997 and signed an updated version in or about 2018. True and correct copies of Ivey's signature pages of the EmPact Agreement are collectively annexed hereto as Exhibit G.

8. I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated:

1/19/2023

By:

  
ELIZABETH ORTIZ